

RESPONSE

Claims 1-2, 12-14, 18, 20-21, 24-26, 55-56, 59-68 and 71 are pending. Claims 3-4, 19, 27-54, and 57-58 were previously withdrawn. Claims 5-11, 15-17, 22-23, and 69 - 70 have been cancelled. Claims 72 – 79 are new.

The Examiner has rejected claims 55, 56, 59-63, 65-68 and 71 under 35 U.S.C. 102(b) as being anticipated by Shimizu (U.S. Pat. No. 4,961,966). The Applicant traverses this rejection.

The Applicant has amended claim 55 to call for “a rounded region within the second.” Shimizu does not teach a rounded region disposed within the second depression. A mold having a first depression, a second depression within the first depression, and a rounded region within the second depression produces an egg product which varies in thickness and is thus appears more like a natural egg. Furthermore, the yolk may be deposited into the rounded region, resulting in an egg yolk portion which is prominently displayed to more closely resemble a natural egg.

Claims 59 and 71 have been amended to call for “dropping the eggs through a device to break the yolk sac, wherein the device comprises a plurality of orifices having sharp inwardly protruding edges.” This limitation is not taught or suggested by Shimizu, therefore Shimuzu fails to anticipate claims 59 and 71.

The Examiner has rejected claims 1, 2, 5-9, 11-16, 21, 22, 59-62, 64, 65, and 67-71 under 35 U.S.C. 102(b) as being anticipated by Stearns et al. (U.S. Pat. No. 3,958,038). The applicant traverses this rejection.

Independent claim 1 has been amended to call for “dropping an egg through a device to break the yolk sac, wherein the device comprises an orifice having sharp inwardly protruding edges.” Claim 21 has been amended to call for a device comprises “an orifice having sharp inwardly protruding edges.” Stearns et al. do not teach these limitations. Rather, Stearns et al. teach breaking egg yolks by agitating them with the whites to form a mix for making an omlete type product. Because this limitation is not taught or suggested by Stearns et al., Stearns et al. do not anticipate claim 1.

The Examiner has rejected claims 59-62, 67, 69 and 71 under 35 U.S.C. 102(b) as being anticipated by Dunckel (U.S. Pat. No. 5,427,016).

Claims 59 and 71 have been amended to call for “dropping the eggs through a device to break the yolk sac, wherein the device comprises a plurality of orifices having sharp inwardly

protruding edges.” Dunckel teaches mixing the eggs to form scrambled eggs but does not teach dropping the eggs through a device having a plurality of orifices having sharp inwardly protruding edges. This limitation is not taught or suggested by Dunckel, therefore Dunckel fails to anticipate claims 59 and 71.

The Examiner has rejected claims 21, 22, and 24 under 35 U.S.C. 102(b) as being anticipated by Lanoie (U.S. Pat. No. 4,068,570).

Claim 21 has been amended to call for a device comprises “an orifice having sharp inwardly protruding edges.” Lanoie teaches a mixer with mixing blades for mixing the egg white and egg yolks to form a blend. This mixer does not comprise an orifice having sharp, inwardly protruding edges. Furthermore, the Applicant disagrees that dropping an egg into the Lanoie mixer would inherently rupture the egg yolk. Rather, it appears that the egg and yolk could pass around the blades without rupturing. The rupturing of the yolks that does occur in Lanoie is a result of mixing and is due to the motion of the blades, not the passage of the eggs into the mixer.

The Examiner has rejected claims 21, 22, and 24 – 26 under 35 U.S.C. 102(b) as being anticipated by WO 87/03171.

WO 87/03171 teaches a pin or equivalent for breaking a yolk. However, claim 21 calls for “an orifice having sharp inwardly protruding edges.” The pin taught by WO 87/03171 does not comprise an orifice having sharp inwardly protruding edges. Therefore WO 87/03171 fails to anticipate claim 21.

Elsewhere in the office action (point 15), the Examiner asserted that a pin or equivalent made obvious an orifice having a plurality of protruding edges. The Applicant respectfully disagrees. The pin in the cited reference merely breaks the yolk. In contrast, an orifice having a sharp inwardly protruding edges provides the advantage of not only breaking the yolk, like the pin, but also providing some amount of yolk spread. Furthermore, the amount of yolk spread can be varied to a desired amount by changing the size of the opening. Therefore the claimed orifice provides an unexpected advantage over the pin in the cited reference and is not obvious.

The Examiner has rejected claims 1, 2, 12-14, 18, 20, and 64 under 35 U.S.C. 103(a) as being unpatentable over Shimzu together with any one of Stearns et al., Stier (U.S. Pat. No. 2,497,280) and Matter (U.S. Pat. No. 1,925,700).

As discussed above, claim 1 has been amended to call for “dropping an egg through a device to break the yolk sac, wherein the device comprises an orifice having sharp inwardly protruding edges.” None of the cited references, alone or in combination, teach this limitation.

The Examiner has rejected claims 1, 2, 5-9, 11-16, 64, 65, 67, and 68 under 35 U.S.C. 103(a) as being unpatentable over Dunckel (U.S. Pat. No. 5,427,016) together with any one of Stearns et al., Stier, and Matter.

As discussed above, claim 1 has been amended to call for “dropping an egg through a device to break the yolk sac, wherein the device comprises an orifice having sharp inwardly protruding edges.” None of the cited references, alone or in combination, teach this limitation.

The Examiner has rejected claims 8, 9, 11, 15, 16, 64, 65, 67, and 68 under 35 U.S.C. 103(a) as being unpatentable over Dunckel together with any one of Stearns et al., Stier and Matter and further in view of Lanoie and claim 70 as being unpatentable over Dunckel together with Lanoie.

As discussed above, Dunckel teaches mixing the eggs to form scrambled eggs but does not teach dropping the eggs through a device having a plurality of orifices having sharp inwardly protruding edges. This limitation is also not taught by Lanoie or the other references, alone or in combination with Dunckel.

The Examiner has rejected claims 18 and 20 under 35 U.S.C. 103(a) as being unpatentable over Dunckel together with any one of Stearns et al., Stier, and Matter and further taken together with Lanoie and further in view of any one of Davis (U.S. Pat. No. 5,293,021), Wiker (U.S. Pat. No. 5,293,021, identified by the Examiner in the Office Action as Cunningham), and Shimzu.

Claims 18 and 20 depend from claim 1. As discussed above, claim 1 has been amended to call for “dropping an egg through a device to break the yolk sac, wherein the device comprises an orifice having sharp inwardly protruding edges.” None of the cited references, alone or in combination, teach this limitation.

The Examiner has rejected claims 10, 17, and 23 under 35 U.S.C. 103(a) as being unpatentable over Stearns et al. together with WO 87/03171.

In light of the amendments to the independent claims, claims 10, 17 and 23 have been cancelled.

The Examiner has also been rejected claim 23 under 35 U.S.C. 103(a) as being unpatentable over WO 87/03171.

In light of the amendment to independent claim 21, dependent claim 23 has been cancelled.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

/Mia E. Mendoza/

Mia E. Mendoza
Registration No. 56,688

Customer No. 22859
FREDRIKSON & BYRON, PA
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota 55402-1425
Telephone: (612) 492-7000
Facsimile: (612) 492-7077

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.